
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

JANICE LEE JONES, as trustee of the
AUNTIE TUT TRUST,

Plaintiff,

v.

JOHN DARGER,

Defendant.

ORDER REMANDING CASE

Case No. 2:25-cv-00158-AMA-DAO

District Judge Ann Marie McIff Allen

Magistrate Judge Daphne A. Oberg

After review of the Notice of Removal,¹ the Request for Immediate Occupancy Hearing and Expedited Trial Setting Under Utah Code § 78B-6-810 (“Request”),² and considering the applicable law, the Court will remand this case to Utah’s Third District Court.

Defendant John Darger removed this case on March 4, 2025. The same day, Plaintiff Janice Lee Jones, as trustee of the Auntie Tut Trust, filed her Request asserting, in part, that jurisdiction appears to be lacking in this case and noting her entitlement under state law to a hearing in state court to determine the rightful occupant of certain property at issue. The Court construes this as a motion to remand, which the Court will grant because Mr. Darger, as a citizen of the state of Utah, cannot properly remove this action to federal court.

Mr. Darger removed this case from state court on the basis of purported diversity jurisdiction under 28 U.S.C. § 1332(a). Mr. Darger asserts he is a citizen of Utah and Plaintiff is a citizen of Nevada. Removal is not permitted under these circumstances. “A civil action

¹ ECF No. 1.

² ECF No. 4.

otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b)(2). Given Mr. Darger attempts to remove on the basis of diversity jurisdiction and asserts he, the lone defendant, is a citizen of Utah, this matter is not eligible for removal and is hereby remanded to Utah’s Third District Court.

IT IS SO ORDERED.

DATED this 6th day of March 2025.

By the Court:



Ann Marie McIff Allen
United States District Judge